

# **ANNUAL SYNAR REPORT**

**42 U.S.C. 300x-26**

**OMB № 0930-0222**

**FFY 2004**

## **2003 SYNAR SURVEY**

**A REPORT DESCRIBING STRATEGIES AND ACTIVITIES TO REDUCE  
YOUTH ACCESS TO TOBACCO PRODUCTS AS REQUIRED BY THE  
FEDERAL SYNAR AMENDMENT**

**Submitted By: NC Department of Health and Human Services  
Division of Mental Health, Developmental Disabilities  
and Community Policy Management**

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**TO THE  
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Substance Abuse and Mental Health Services Administration  
Center for Substance Abuse Prevention**

**[www.samhsa.gov](http://www.samhsa.gov)**

## INTRODUCTION

The Annual Synar Report format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 CFR Part 96).

Public reporting burden for this collection of information is estimated to average 30 hours for questions 1 through 8 for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to SAMHSA Reports Clearance Officer; Paperwork Reduction Project (0930-0222); Room 16-105, Parklawn Building; 5600 Fishers Lane, Rockville, MD 20857.

An agency may not conduct or sponsor and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 7/31/2004.

### **How the Synar report helps the Center for Substance Abuse Prevention**

In accordance with the tobacco regulations, the States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2002 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2003 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist States<sup>1</sup> by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

### **How the Synar report can help States**

The information gathered for the Synar report can help States describe and analyze substate needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws. Aggregated together, statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

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<sup>1</sup>The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (See 42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

## **Getting assistance in completing the Synar report**

If you have questions about programmatic issues, you may call the Division of State and Community Systems Development at (301) 443-0326 and ask for your respective State Synar Officer or contact the State Synar Officer directly by telephone or e-mail using the directory provided (see Appendix).

## **Where and when to submit the Synar report**

The Annual Synar Report must be received by SAMHSA not later than December 31, 2002. Submit one signed original of the report, two additional copies, and a diskette to the Grants Management Officer at the address below:

Ms. LouEllen M. Rice, Grants Management Officer  
Office of Program Services, Division of Grants Management  
Substance Abuse and Mental Health Services Administration

### **Regular Mail:**

Rockwall II Bldg., Suite 630  
5600 Fishers Lane  
Rockville, Maryland 20857

### **Overnight Mail:**

Rockwall II Bldg., Suite 630  
5515 Security Lane  
Rockville, Maryland 20852

## **State Law Regarding Sale of Tobacco Products to Individuals Under Age of 18 (Section 1926):**

An agreement to continue to have in effect a State law that makes it unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18; and, to enforce such laws in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under age 18 (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

### **SECTION I**

#### **FFY 2002 (Compliance Progress):**

42 U.S.C. 300x-26 of the Public Health Service Act requires certain information regarding the sale/distribution of tobacco products to individuals under age 18.

- 1. Describe any changes or additions to the State tobacco statute relating to 42 U.S.C. 300x-26 since the last application. Attach a photocopy of the changes and describe the impact they will have on enforcement of State tobacco law(s).**

There has been a change in State tobacco legislation. On August 14, 2003 the North Carolina General Assembly approved Senate Bill 583, "AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC SCHOOL BUILDINGS" (**Appendix A**). The majority of school districts already have tobacco use policies in place that exceed the minimal standards set by the bill. Twenty-eight will have to change their policies. There has been a major effort in the state since the Governor's Summit on Teen Tobacco Use Prevention occurred in January 2000 to promote 100% tobacco free schools. This effort has had support and leadership from the Governor's Office, the Lt. Governor's Office, the State Superintendent of Public Instruction and the State Board of Education. This legislation establishes a minimum standard that prohibits use of all tobacco products by everyone during school hours. It also provides additional support and momentum for local school districts to adopt and implement tobacco free school policies. In terms of its impact on access, schools can uphold the intent of the law to limit youth access to tobacco products by creating policies that prohibit tobacco use by students, employees and visitors at all times, in all school buildings, on all school grounds, and at all school sponsored events. Additionally, schools can consistently enforce tobacco use policies and can confiscate tobacco products and paraphernalia brought to school.

There were also several bills introduced in the NC General Assembly to increase the tax on cigarettes. House Bill 254 proposed to raise NC's cigarette tax to \$.75. A massive effort was led by NC Prevention Partners as well as voluntary agencies to garner support. Legislators also held a press conference to talk about the excise tax and its benefits to the state. Although the bill did not pass (died in committee), there is a great deal of support in the state for an increase in the excise tax. Media advocacy around this issue continues on a weekly basis through news articles, letters to the editor and op-ed sections of major newspapers across the state. It is expected that another excise tax bill will be introduced perhaps in the next session.

No changes were made in state regulations related to youth access to tobacco products. Also, there were no changes in tobacco related local ordinances since the last application.

2. **Describe how the annual report required under 45 C.F.R. 96.130(e) was made public within the State, along with the State Plan as provided in 42 U.S.C. 300x-51.**

North Carolina's Annual Synar Report will be made public by placing the report on the Division of Mental Health, Developmental Disabilities and Substance Abuse Services Website. A press release announcing the results of the Synar Survey was sent to media outlets in the state.

3. **Identify the agency or agencies designated by the Governor for the implementation of the requirements. Identify the State agency responsible for conducting random, unannounced inspections. Identify the State and/or local agency or agencies that are responsible for enforcing the tobacco access law(s) (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).**

The Governor has designated the North Carolina Department of Health and Human Services, Substance Abuse Services Section, now called the Community Policy Management Section (CPM) as the Single State Agency charged with oversight and administration of the Substance Abuse Prevention and Treatment Block Grant. Therefore, the overall responsibilities of adhering to the specific guidelines, including the annual inspections of tobacco retail outlets, of the Synar Amendment falls under its organizational mandate.

Executive Order 123, signed by Governor Hunt on December 18, 1997, designated the Division of Alcohol Law Enforcement (ALE) within the North Carolina Department of Crime Control and Public Safety, as the lead enforcement agency to implement model education and enforcement of the State's Tobacco Access Law.

4. **Describe briefly the coordination and collaboration that occurs between your State's Tobacco and Health Office (Association of State and Territorial Health Officials) and Single State Authority for Substance Abuse (NASADAD). Discuss how State efforts to reduce youth access to tobacco relate to other tobacco control and prevention initiatives in your State.**

The NC Department of Health and Human Services (DHHS) was reorganized in 1998 and now houses both the Division of Mental Health, Developmental Disabilities and Substance Abuse Services, Community Policy Management Section and the Division of Public Health, which includes the Tobacco Prevention and Control Branch (formerly known as Project ASSIST). Both of these organizational units ultimately report to the Secretary of DHHS, which enhances our collaborative efforts (**Appendix B**).

There is a strong working relationship between the State's Tobacco Prevention and Control Branch and the Community Policy Management Section. This relationship has continued to grow and prosper over the past nine years. We have participated in joint planning of events (i.e. Governor's Summit to Prevent Youth Tobacco Use), trainings with Law Enforcement Agencies on State's Youth Access Law, as well as coordinating policy and media advocacy strategies. Both Sections were very involved in efforts to secure tobacco settlement funding for tobacco prevention and control initiatives in NC.

The Synar Coordinator serves as a member of the North Carolina Project ASSIST Statewide Coalition Board, member of the Branch's Tobacco Free Schools Taskforce and Vice-Chair of its African American Tobacco Use Prevention Action Team. The African American Tobacco Use Prevention Action Team has developed and implemented (over the past seven years), a youth advocacy and empowerment initiative. The Initiative involves local youth organizations across the state to engage these young people through training and other opportunities in tobacco use prevention activities at the state and local level. Further, the Synar Coordinator also participated on the Planning Committee for the "Vision 2010: Exploring Best Practices in Tobacco Use Prevention and Control" Conference held

April 9-10, 2003. This major statewide training attracted more than 300 participants and featured national speakers from the Centers for Disease Control and Prevention and the US Public Health Service (i.e. David Hopkins, Kevin Collins, Abby Rosenthal, Don Shopland) as well as examples of local programs and policy initiatives specific to North Carolina. Community Policy Management was one of several sponsors for the conference and the Synar Coordinator participated in two workshops highlighting youth access initiatives in the state.

In turn, the Tobacco Prevention and Control Branch is working closely with the Synar Coordinator to involve local Area Mental Health and Substance Abuse Prevention Professionals in the tobacco use prevention training activities and resource opportunities that they offer. In addition, the Governor's Interagency Workgroup on Reducing Tobacco Sales to Minors created by Executive Order 123 is under the joint leadership of Community Policy Management, Tobacco Prevention and Control and the NC Division of Alcohol Law Enforcement.

The Synar Coordinator also works collaboratively with our State Prevention Program to ensure that tobacco related initiatives are coordinated and to provide support to local staff in implementing their programs. She is also working with other state tobacco control initiatives to address public and private policy efforts such as promoting smoke free environments (i.e. restaurants, work sites), tobacco free schools; health promotion and cessation efforts with coalitions, nonprofit and voluntary organizations such as Healthy Carolinians, NC Prevention Partners, American Lung Association of NC, and the American Cancer Society, Southeast Division.

**5. In 2-3 pages, list and describe all the State's activities to enforce the State youth access to tobacco law(s) in FFY 2003. Such activities may include statewide and/or targeted enforcement activities.**

- If enforcement of youth access laws is carried out by local law enforcement agencies, provide a detailed summary of local enforcement activities to verify the enforcement is taking place.
- Include an estimate of the number and types of penalties that were imposed for violation of access laws and policies, and whether these penalties were assessed against owners, clerks, or youth. Examples of penalties include citations, warning letters, public listing of violators, etc.
- Provide a summary of the final disposition of citations. Example(s) of final disposition include fines that were assessed and collected, licenses that were suspended or revoked, dismissals, etc.
- Describe additional activities conducted to support enforcement and compliance with State tobacco access law(s). Additional activities may include merchant education, community education, media use, and community mobilization by statewide and/or local community-based coalitions and/or other State agencies.

## **YOUTH ACCESS ENFORCEMENT ACTIVITIES**

### **EDUCATION AND ENFORCEMENT PROGRAM GRANT TO REDUCE YOUTH ACCESS TO TOBACCO PRODUCTS WITH THE DIVISION OF ALCOHOL LAW ENFORCEMENT**

North Carolina does not combine enforcement operations with the Synar Survey. Merchant education and active enforcement of the State's Youth Access Law are critical components of the State's overall statewide strategy to reduce youth access to tobacco products. While the Community Policy Management (CPM) Section oversees the implementation of the Synar Survey and educational efforts at the local level with Area

Mental Health Programs, the Division of Alcohol Law Enforcement (ALE) has taken a lead in the area of enforcement and retailer training. Both CPM and ALE have been able to bolster their level of youth access related work through a grant from the NC Health and Wellness Trust Fund Commission. The collaboration between CPM, ALE and other partners is critical to expanding youth access and availability efforts statewide (**Appendix B**).

Community Policy Management will receive \$500,000 annually over three years (2002-2005) from the Commission to implement an education and enforcement program to reduce youth access to tobacco products with the Division of Alcohol Law Enforcement. The Year 1 funding cycle began October 28, 2002 (last signature date) through September 30, 2003. With this grant, the Division of Alcohol Law Enforcement was able to establish a full time position and hired a Tobacco Coordinator to manage the program in April 2003. The following activities were conducted during the first year of the grant:

- ❑ **Identify and implement a model, which will include past compliance checks data, to select locations to participate in targeted enforcement activities.** ALE has developed new protocols and procedures to conduct tobacco compliance checks that would allow ALE agents to 1) concentrate efforts in counties not previously checked as well as counties with high buy rates; 2) increase the number of checks in high density areas, such as large urban or rural counties, counties where there are bounce backs or swings in buy rates; 3) suspend or decrease checks in counties that have been highly saturated and have buy rates less than 20% and 4) target specific outlets for either high or repeated non-compliance.
- ❑ **Conduct at least 600 tobacco compliance checks per month, for a total of 7,200 checks during state fiscal year 2002-2003.** ALE has conducted 8,617 tobacco compliance checks from November 1, 2002 to September 30, 2003. Also during this timeframe, ALE issued 2,080 citations related to violations of the State's Youth Access Law. Compliance checks have been conducted in all 100 counties in the state!
- ❑ **Conduct six regional forums across the state to engage Alcohol Law Enforcement supervisors, agents, Community Policy Management staff, retailers and key community agencies in discussions of local efforts everyone can partner on to reduce youth access to tobacco products.**

Regional Forums on "Reducing Tobacco Sales to Minors" were held across the state during May and June 2003. Participants included, ALE District Supervisors and Agents, local law enforcement, retailers, public health/substance abuse prevention staff representing Mental Health Centers, Health Departments, community based organizations and youth programs, local school staff, Tobacco Prevention and Control Branch field staff and local ASSIST Coordinators, Question Why Youth Empowerment Center Coordinators, and 16 NC Health and Wellness Trust Fund Commission school/community grantees.

The forums were held in Elizabeth City, Lumberton, Durham, Wilson, Winston-Salem, Charlotte and Asheville. A total of 146 participants were engaged in discussions regarding the impact of tobacco use in their communities, barriers and strategies to reduce tobacco sales to minors, and resources that would help them to be successful. Feedback from all of the forums regarding each of these dimensions will be provided to all participants. ALE plans to make this information along with compliance check data available to participants on its Website. Participants also received information packets and incentive items – t-shirts, water bottles and pens. Media coverage of these events was very positive as well as the evaluations from the participants.

- ❑ **Conduct community education and recognition activities to raise awareness of youth access issues among merchants, clerks, and the community at large; and provide positive recognition for stores that do not sell tobacco products to minors during enforcement operations.**

One of CPM's and ALE's first statewide efforts to kickoff the program was participation in the Vision 2010 Tobacco Use Prevention Conference. ALE had an exhibit at the conference on April 9, 2003. Information on ALE's tobacco program and the regional forums were distributed along with posters and pens. ALE further participated in two breakout sessions during the conference on April 10, 2003 with CPM staff during a presentation regarding the education and enforcement program to reduce youth access to tobacco products.

Also, some funds from the grant are being used to print certificates for retailers and clerks as well as to purchase incentives for recognition activities.

- ❑ **Get earned or free media attention for community education and recognition efforts. This will be achieved through press releases and news articles regarding enforcement operations and public recognition of stores that do not sell tobacco products to minors.**

There has been a substantial increase in the number of press releases from ALE and media coverage on the youth access issue. These include articles on tobacco compliance checks and enforcement operations as well as coverage of the regional forums. Some examples of media activities are:

April 24, 2003 Article in the Fayetteville Observer  
May 6, 2003 Article in Mount Airy News  
May 13, 2003 the Durham Forum: WPTF Radio, WRAL, and WTVD  
May 29, 2003 the Winston Salem Forum- Fox 8 news  
June 12, 2003 the Asheville Forum - ABC Affiliate, Channel 13 news  
June 2003 Article in the Dare County newspaper  
June 2003 Article in ALE's newsletter, Ten-Fourteen Online

- ❑ **Distribute (statewide) signs and brochures related to the State's Youth Access to Tobacco Products and the responsibilities of the retail merchant.**

ALE and local agencies have distributed state signs regarding NC's Youth Access Law G.S. 14-313 as well as "Check that Photo ID" brochures to retailers as part on the state's on-going merchant education activities.

- ❑ **Inform all retailers who are issued a citation for violation of the State's Youth Access Law of the availability of the BARS Education Program.**

ALE is reaching out to retail merchants providing them with basic information on the youth access law and providing training to the merchants through the BARS (Be A Responsible Seller) Program. This statewide training program is conducted on a monthly basis in each ALE district across the State. The training program includes specific information on North Carolina's law, responsibility of merchants, suggestions for detecting false I.D.'s and refusing sales to minors. This training is offered to employees in all licensed alcohol beverage outlets in the State, which includes grocery stores, convenience stores, restaurants and gas stations. ALE conducted 342 BARS programs reaching 771 retailers with 4,148 participants from November 1, 2002 through June 30, 2003.

- ❑ **Promote collaboration between the 38 Area Mental Health Programs, local organizations and District Alcohol Law Enforcement Agents to recruit and train youth ages 16-17 to participate in enforcement activities; distribute merchant education materials, develop local media stories and articles on youth access issues; and promote the availability of the BARS Education Program to local retail merchants.**



ALE continues to partner with local Area Programs, local law enforcement and community agencies on youth access activities. The regional forums have strengthened partnerships leading to co-sponsorship of retailer trainings and other events.

This grant has significantly enhanced our program efforts since FFY 2003 by increasing the number of compliance checks conducted from 4,800 to 7,200 annually. We also have had more of a focus on media advocacy strategies, particularly at the local level. The expanded program has helped to build upon collaborative relationships between ALE and local health/ community based agencies.

## **OTHER LAW ENFORCEMENT ACTIVITIES TO REDUCE YOUTH ACCESS**

In addition to ALE's efforts, there are also numerous local police and sheriff's departments that participated in the 1996 and 1997 regional law enforcement training programs that have incorporated enforcement of the State's Youth Access to Tobacco Products law into their departments' on-going enforcement efforts.

The efforts of local law enforcement departments and ALE are reflected in the North Carolina Administrative Office of the Courts' (AOC) data on charges and convictions for the calendar year through the "Frequency of Use of Offense Codes in the CIS (Court Information System) Criminal System". The 2002 data indicates that 138 defendants, in 143 cases, were charged with purchase of cigarettes by persons under 18 with 50 defendants convicted in 52 cases. In addition, 714 defendants in 725 cases were charged with misdemeanor sale of cigarettes to minors during 2002 and 398 defendants were convicted in 399 cases.

## **ADDITIONAL ACTIVITIES CONDUCTED TO SUPPORT ENFORCEMENT AND COMPLIANCE WITH STATE TOBACCO ACCESS LAW**

### **1. NC Health and Wellness Trust Fund Commission**

#### **Teen Tobacco Use Prevention and Cessation Initiative**

On May 1, 2002 the Health and Wellness Trust Fund (HWTF) Commission created by the General Assembly (HB 1431) to receive 25% of the State's Tobacco Settlement funds, voted to spend 6.2 million dollars annually over the next three years (dependent upon the availability of funds and satisfactory progress each year) on a teen smoking prevention and cessation program. A coalition of public, private, nonprofit health and community groups came together and strongly advocated for state dollars to be devoted to a statewide, comprehensive tobacco prevention and control program. The coalition, known as Vision 2010, developed a "Comprehensive Plan to Prevent and Reduce the Health Effects of Tobacco Use", which became the basis for Commission funding. The Community Policy Management Section and the Division of Alcohol Law Enforcement were active participants in coalition activities which included a presentation to the full HWTF Commission and attendance at the Teen Smoking Prevention and Cessation Task Force Meetings. While the 6.2 million dollars annually is far less than what CDC recommends that North Carolina spend on tobacco prevention and control programs, the Coalition is positive about this first step to dedicate state money to address tobacco use prevention and cessation in a tobacco state.

The Plan funded by the Commission will provide resources for community/school grants, priority populations grants, youth access education and enforcement activities, a media campaign, accountability measures and cessation efforts including a Quit line, training and dissemination of the American Lung Association's NOT (Not On Tobacco) Teen Cessation Program and office based cessation interventions for pregnant women and teens.

Also, the North Carolina Health and Wellness Trust Fund Commission recently funded a statewide campaign being led by the NC Tobacco Prevention and Control Branch to support 100% Tobacco Free Schools. The campaign includes the following components:

- A. Teaming Up For Tobacco Free Schools Regional Policy Workshops (3) to prepare school and community leaders to advance this policy issue in their local communities.
- B. School and Community Leaders Forum and Panel Discussions will be held in conjunction with each of the Policy workshops in which school and community leaders will share strategies and resources as well as to discuss the benefits of having a tobacco free school district.
- C. Mini-Grants Program will fund 25 mini-grants of up to \$3,000 to support school districts that are working to establish tobacco free school policies.
- D. Signage for Tobacco Free School Districts will include a variety of signs, banners, floor stands and decals to be displayed at schools to inform students, faculty and visitors of the new policy.
- E. Funding for Print and Radio Ads will be available to participants in the Policy Workshops to place advertisements with their local media in order to gain community support for the policy.
- F. Tobacco-free Schools Website will provide information on materials and other resources at [www.nctobaccofreeschools.org](http://www.nctobaccofreeschools.org).
- G. Posters promoting the tobacco free schools policy will be available to school districts to display at schools, meetings and other events.
- H. Direct Mail Stuffers designed to encourage parents to support the policy will also be available to school districts.

## **2. Local Area Mental Health and Substance Abuse Programs**

Community Policy Management began requiring local Area Programs to conduct a minimum of 8 hours per month of activities designed to reduce youth access in their communities during SFY 99/00. Area Programs are required to actively engage in activities such as community collaboration efforts, merchant education programs, and promotion of local enforcement of the State's Youth Access Law to insure local compliance with Synar provisions. In addition, Area Programs report their Synar related activities in the SAPT Block Grant Semi-annual Compliance Report. They are also required to maintain appropriate documentation of youth access related activities conducted during each six month reporting period. During the SFY 2002-2003, the Area Programs generated more than 4,000 hours of youth access related activities throughout North Carolina.

ALE district supervisors and agents participated in four regional meetings (hosted by Community Policy Management) with Tobacco Liaisons from the Area Mental Health Programs. Other participants included regional staff of the Tobacco Prevention and Control Branch, Project ASSIST Coalition Coordinators and Question Why Youth Empowerment Center Coordinators to discuss strategies and partnerships to reduce youth access to tobacco products. Topics for discussion included the ALE/CPM' grant from the NC Health and Wellness Trust Fund Commission, particularly the regional trainings, and the Teen Tobacco Prevention and Cessation Initiative.

The Area Programs have partnered with other state/ local organizations such as the Underage Drinking Coalitions, school groups, youth organizations, Project ASSIST Coalitions, NC Health and Wellness Trust Fund grantees, their local law enforcement and district Alcohol Law Enforcement Agents to conduct retailer trainings; make individual visits to retailers; distribute merchant education materials; conduct tobacco related presentations in their communities as well as other events. Some of the Area Programs developed press releases for their events, had stories in the local newspapers and included youth access and other tobacco related information in their agency or school newsletter.

**The following question pertains to the sampling methodology used by the State to meet the requirements of the Synar Regulation to measure State compliance with youth access to tobacco law.**

**6. In 2-3 pages, describe the sampling methodology used by the State to conduct random, unannounced inspections. Include in the description the following information:**

Sampling design and methodology

Did the sampling methodology change from the previous year? If so, indicate the following.

- what changes were made
- why the changes were necessary
- when the changes occurred

Describe the source(s) and quality of the sampling frame.

- the date when the sampling frame was last updated,
- the procedures used to insure that the addresses of tobacco outlets on the sampling frame are accurate,
- the criteria used to determine accessibility of outlets to youths,
- the methods used to verify that outlets identified on the sampling frame actually do sell tobacco,
- the methods used to locate tobacco outlets that were not on the sampling frame,
- the accuracy of the frame: the percentage of the sampling frame that included outlets that actually sell tobacco and had accurate addresses,
- the coverage of the frame: the percentage of all tobacco outlets in the State that were actually included on the sampling frame.

Describe the random selection process.

- the geographic unit used for sampling,
- the procedures used for selecting the sample of geographic sampling units,
- the method used for selecting outlets from within each sample geographic sampling unit,
- the original sample size, minimum number of required inspections, and final sample size; and explain how they were determined,
- if applicable, explain the difference between the original sample size and the final sample size; and indicate whether the final sample is representative of the distribution of tobacco outlets in the State.

Describe how replacement outlets and non-completed inspections were handled. Provide a complete tally of non-completed inspections that include:

- the number of inspections that were not completed because the outlets were ineligible,
- the number of eligible but non-completed inspections.

North Carolina implemented the changes requested by CSAP in sampling methodology used to identify and randomly select tobacco outlets for its 2003 annual inspections. In 2002, 164 new potential outlets were selected from the most recent quarterly update of Dun & Bradstreet (D&B) files on CD, to allow for normal outlet attrition and to be combined with the previous year's sample to produce valid estimates for the 2002 population of tobacco outlets. In 2003, as requested by CSAP, a completely new sampling frame was developed and an independent sample of potential outlets was selected from the current D&B files. Both

methods produce unbiased estimates of compliance rates with the same precision for annual estimates; the major change was that the fielded sample was considerably increased (1,506 this year compared to 971 last year). The State again contracted with Stephen Williams, the sampling statistician, who had developed North Carolina's approved sampling methodology in accordance with SAMHSA's Synar Regulation: Sample Design Guidance, to draw the 2003 sample, assist in monitoring field work, analyze the data, and prepare a final report on the findings which are included in this report.

Since North Carolina does not license tobacco outlets, the State used Dun & Bradstreet's business list to develop the universe of tobacco outlets including both over-the-counter and vending machines that are accessible to youth (under the age of 18). Outlets that were not accessible to youth were excluded; the rule was to exclude membership establishments and unsafe outlets. Bars were deemed unsafe for the field staff to visit, but most restaurant/lounge outlets were deemed accessible. The study population consisted of potential outlets defined by the following establishments listed with Standard Industrial Code (SIC):

**Listed Categories (in Guidelines) that are Included in the Study**

- 53 General Merchandise\*
- 54 Food Stores (includes most of the convenience marts)
- 5541 Gas Stations
- 5812 Restaurants (eight fast-food chains verified by telephone to have a no-tobacco-vending policy were excluded; even so, the large number of restaurants on the list proved, as expected, to produce relatively few establishments that sell tobacco products)\*
- 5912 Drug Stores
- 5993 Tobacco Stores
- 5994 News Stands
- 7011 Hotels/Motels
- 7933 Bowling Centers\*
- 7993 Coin Operated Games\*
- 7996 Amusement Parks\*
- 7999 Amusement/Recreation\*

\* Sampled at a reduced rate (accounted for in analysis).

**Listed Categories that are not included in the Study**

- 5813 Bars excluded as unsafe for buy attempts and mostly not accessible to underage youth
- 5921 Liquor Stores (all are State stores that do not sell tobacco)
- 5962 Vending Machines (vending machines are being included in the survey, but no 5962 establishments were used because these establishments are the machine distributors--not a source of information about the number or location of the machines).
- 5999 Misc. Retail Stores are specialized—sporting goods, etc. where tobacco products are rarely sold.
- 7948 RaceTracks: deemed too isolated and rare to be feasible.
- 7992 Golf Courses: deemed too isolated and rare to be feasible.
- 7997 Membership Recreation Clubs (not usually accessible to nonmembers, such as the survey team)

The sampling frame was last updated in February 2003 and is updated annually to include new outlets that were not on the frame in the previous survey. The sampling frame was examined to eliminate duplicates. Telephone calls were made in most cases to verify that the outlets identified actually do sell tobacco. Once the commercial list is reviewed to eliminate duplicates, the remaining outlets are anonymously contacted by telephone and asked if they sell tobacco (brand name such as Marlboro Lights). The outlets telephoned usually fall in to one of the following categories: 1) out of business at the given location (i.e. phone disconnected, not a listed business, a residence), 2) sells tobacco products, 3) does not sell tobacco products. The most common outlets on the list that sell tobacco products are Food Stores, Drug Stores, Convenience

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Marts, Tobacco Stores and Gas Stations.

Very few Hotels/Motels, Restaurants and Specialty Businesses (i.e. computer software, clothing stores) sell tobacco products. These data are consistent with previous surveys. The names/addresses of those outlets who indicate that they sell tobacco products are included in the sample given to the survey team for inspection. Those outlets that were not reached by phone (a listed business in the telephone directory assistance, but there was no answer when telephoned) were included in the sample to be visited by the survey team. North Carolina has selected a probability sample and used non-response adjusted sampling weights to produce unbiased estimates of the compliance rates for outlets in the frame.

There are some vending machines accessible to youth although they are decreasing in number across the State. They are mostly located in hotels, motels, lounges and bars. The North Carolina State statute requires vending machines to be supervised. Those that are located in bars are defined as ineligible because they are deemed unsafe for inspection by the team. We do not know in advance of the inspection whether or not a potential outlet has a vending machine – same as Over-the-Counter (OTC) outlets. OTC and vending machine outlets are treated the same. So, in expectation, they are proportionately represented in the sample. Hence, the weights are also calculated in the same manner for both types of outlets. The separate estimates are obtained by domain estimation methods (observation and weights are simply multiplied by an indicator (0,1) variable that is 1 if it is a vending machine and zero otherwise).

## **SAMPLING DESIGN AND METHODOLOGY**

**Multi-stage design:** A multi-stage design was used to facilitate the development of the sampling frame and to reduce field cost. Since no comprehensive listing of outlets was available, the sampling frame was developed from alternative sources including Dun & Bradstreet's business list. Three stages were used in the design. The sampling and data collection methods are basically unchanged from the previous survey except for the use of a completely new and independent sample in 2003. The 2002 sample was composed of the previous year sample supplemented to provide coverage of new outlets from the most recent quarterly update of Dun & Bradstreet files on CD and to compensate for normal attrition of existing outlets from the previous survey.

**Stage 1:** In this stage, the State's 100 counties singly or in pairs comprised the primary sampling units (PSUs); minimum PSU size is 30 potential outlets. This combination resulted in a total of 94 PSUs. These PSUs were stratified into 4 primary strata based on mental health districts and into secondary strata within each of those 4 strata, based on estimated number of outlets. This resulted in a total of 11 explicit final strata. Within these strata, PSUs were sorted by size to achieve additional stratification. PSUs were selected from each of these strata using probability proportional to size (field costs and estimated number of outlets).

**Stage 2:** Within the sample PSUs, second stage units (SSUs) were formed that are essentially equivalent to the postal ZIP areas. Some of the ZIP areas were combined to form SSUs with a minimum of eight outlets and names were subsampled in some of the larger ZIP areas (the targeted SSU size is approximately 10 outlets). The SSUs were selected from the sample PSUs with equal probability. All random numbers were generated within Excel spreadsheet using the random number function (RAND).

**Stage 3: (except for certainty strata, which have only two stages)** The FSUs, final stage units, were potential outlets within the sample SSUs; these outlets were mostly selected with equal probabilities, except that the candidate outlet categories with relatively few tobacco outlets were sampled at a lesser rate as described in the stratification section. The use of area-based sampling units facilitates field checking for missing potential outlets on the list. Such checks were conducted in 1998, 1999, and 2002. An example of a PSU selection is in **Appendix C**.

## SAMPLE SIZE

**Sample size and allocation:** Past survey data and cost information were used to obtain sample size requirements and an optimum allocation at each stage of the design. These data were also used to predict the design effect. The design effects and precision requirements determined the sample size. The size of the sample assigned to the field staff allowed for these factors plus the predicted proportion of potential outlets that do not sell tobacco, are out of business, or for other reasons are not eligible.

**Design effect (deff):** The design effect is a measure of survey precision compared to the precision that would result from a simple random sample (srs) using the same sample size. It is calculated as the variance of the survey estimates divided by the variance of a srs estimate. Since the proposed design focused on proportional allocation, the minimal impact of unequal weighting is largely offset by the stratification. The impact of clustering, however, must also be accounted for. The net effect from all sources for the 2003 survey was approximately 1.6, up from the previous survey but about equal to the two surveys prior to that. Some additional unequal weighting was introduced in the 2003 design because field costs were reflected in the size measure for sample allocation.

**Sample size and survey precision:** In the 1996 report for NC, a target noncompliance rate was projected for each year to 2001. The State renegotiated the performance targets in February 2000 to have an overall noncompliance rate of 20 percent or less in 2003 and subsequent years. The survey precision requirements are based on the need to establish whether or not these targeted rates are being met. Sampling errors for point estimates of compliance rates were also calculated to ensure their acceptability. Refer to Table 1, below, for the sample sizes and sampling errors summary.

Adequate sample size was determined first, for example, how many buy attempts are needed to accomplish the required survey accuracy. How this sample is allocated among strata and by sampling stage is determined by optimum allocation. Optimum allocation refers to the simultaneous solution of equations that describe the relative costs and variances at each stage of sampling or stratum.

**Optimum Allocation of Outlets:** To investigate the optimum number of units at each of these stages, the total variability of buy data from the previous survey was partitioned into those (three) stages. Also, the variable costs associated with each of these stages were estimated. These variance components and cost components are refined each year on the basis of previous year's survey. Using data from the 1997 – 2002 surveys resulted in the use of a sample size of 812 buy attempts; made in 20 counties, averaging 4 clusters per county, and approximately 10 outlets per cluster.

## SAMPLING DESIGN TECHNIQUES: CLUSTERING AND STRATIFICATION

**Clustering:** The field costs were substantially reduced compared to unclustered sampling. Work was clustered mostly in the denser communities in 20 PSUs and in clusters within those PSU counties. This clustering reduces survey precision for a given sample size, but is cost effective because of reduced field costs (travel time for a field team is very expensive). An example of cluster selection within sample PSUs is in **Appendix D**.

**Stratification:** PSUs were stratified by the four mental health regions and by estimated number of tobacco outlets (size-strata) within those regions. A total of 11 strata resulted; two certainty strata (large counties), and 9 strata for which 2 PSUs (counties) each were randomly selected for the survey. Size measures based on

travel costs and number of outlets was assigned to strata and the PSUs, which were selected with probability proportional to the size measures and without replacement. The number of sample outlets per cluster is allowed to vary slightly in order to obtain nearly equal selection probabilities for most outlets. Establishments in some SIC categories; however, sell tobacco less frequently than those in other SIC categories. To improve survey efficiency; therefore, establishments in these SIC categories were sampled at a lesser rate. Low-percentage establishments were sampled at one-fourth the rate of high-percentage establishment rate. This unequal selection rate was accounted for in the weighting process. All basic weights are based on selection probabilities; hence, the establishments sampled in the “low-percentage” categories have approximately four times the weight of the main establishments. However, as suggested by earlier surveys, very few restaurants sell tobacco—only one outlet in the 2003 sample was in a restaurant. Considering the cost of including the restaurants in the frame, their inclusion is difficult to justify. These basic weights are then adjusted for nonresponse and duplicates and used to calculate both the compliance rate and sampling error estimates. High percentage establishments are defined to be gas stations, convenience stores, grocery stores, drug stores, tobacco stores, and hotels/motels.

**The following question pertains to the random sample survey required by the Synar Regulation to measure State compliance with youth access to tobacco laws.**

- 7. In 3-5 pages, report the complete results of the inspections conducted for the Synar survey during the FFY 2002. Report the unweighted and weighted retailer violation rates, including the corresponding standard error, and the confidence interval for the weighted reported retailer violation rate. Provide all supporting tables, formulas, and values used to calculate the final weighted retailer violation rate.**

## **SURVEY RESULTS**

The results of this year’s annual inspection show a reduction in the overall rate of noncompliance from 18.0 to 14.8 percent. Also, a decrease occurred in the number of outlets, both the vending machines and over the counter. This sets North Carolina’s overall statewide buy rate for 2003 at 14.8 percent, which is ahead of our renegotiated performance target of 20 percent. North Carolina is committed to reducing youth access and has overcome significant obstacles to sustain its statewide enforcement efforts during the past year.

In addition, North Carolina is proud of its decision not to combine the enforcement of the youth access law and the annual Synar survey in any way. This decision affords our State the opportunity to conduct a truly random, unannounced, unbiased survey. Only the sampling statistician, Synar Coordinator and the 2 adult members of the survey team have access to the confidential list of outlets to be sampled and the only data released from the annual survey is the total number of outlets surveyed and the overall statewide buy rate (except for details required for review by CSAP).

Specific information related to the sample size and results are as follows:

- Original sample size of potential outlets: 1,506 (up from the 971 for last year because of the requirement that a new independent sample was to be selected).
- Outcome: 90 out of business; 11 non-responses (closed at time of inspection - adjusted for in the analysis); 37 incorrect addresses; 3 unsafe (not in target population of outlets to be surveyed); 548 do not sell tobacco; 5 duplicate names and 812 completed inspections.
- Replacements were not used; the sample was fielded in independent, stand-alone waves to allow for loss due to non-response and ineligible businesses and to provide coverage of new outlets (those names not on the 2002 list).

- Weights were adjusted at the stratum-level to account for non-response and for duplicate names.
- Full documentation of the design and sample selection process, numbers, and equations were submitted in 2002. Likewise, several spreadsheets demonstrating the calculation and non-response adjustments of weights, the weighted estimates, and the sampling error calculations were submitted. This detail was deemed necessary for review of the methods because the multi-stage, unequal probability design is such that the completion of the Form G1 does not reproduce the rate and sampling error estimates. Additional information about detail of standard error calculations was requested—these were calculated in 2003 using two approaches: 1) as in 2002, which is slightly downward biased and 2) assuming with-replacement equations, which is upward biased. The two were very close and an average was used.

<b>Summary Results for 2003 Compliance Survey</b>								
Population Counts			Noncompliance Rates			Sampling Errors*		
OTC	VM	Total	OTC	VM	Total	OTC	VM	Total
7,253	25	7,278	0.147	0.370	0.148	0.016	0.197	0.016

\* All numbers are estimates based on survey data, except the sampling error for vending machines, which is calculated with an assumed design effect of 1.0 because of the small sample size (3). Note that the design effect for such small domain estimates approaches unity because the clustering effect is small. We note that the sampling error is better than the target needed for the 95 percent confidence, 1-tail precision specified in the Guidelines: that is, 0.016 compared to the target of 0.018. Standard errors are presented in Table 1, below. They were calculated with the classical equations for stratified random sampling involving clustering and unequal selection probabilities. Within-stratum variances were based on PSU-level estimates—an average of two methods: (1) slightly downward bias in some strata and (2) upward biased assuming with-replacement in those strata (same unbiased estimates are used in certainty strata). The two estimates were 0.016 and 0.017.

**Table 1: Sample Sizes and Survey Precision**

<b>Projected Performance Targets, annual</b>	<b>Estimated noncompliance rates, annual</b>	<b>Effective sample Size</b>	<b>Sampling error; target and actual</b>	<b>Error, one-tail 95 percent confidence level</b>
1996: 0.50	0.500	629	0.025	
1997: 0.41	0.449	600 (622 actual)	0.026 (0.027 actual)	.04
1998: 0.34	0.259	800 (805 actual)	0.021 (0.022 actual)	.04
1999: 0.28	0.247	800 (803 actual)	0.021 (0.033 actual)	.05
2000: 0.24	0.201	800 (802 actual)	0.019 (0.017 actual)	.03
2001: 0.22	0.199	800 (807 actual)	0.018 (0.022 actual)	.04
2002: 0.20	0.180	800 (801 actual)	0.018 (0.008 actual)	.013
2003: 0.20	0.148	800 (812 actual)	0.018 (0.016 actual)	.026

The standard errors for estimating the noncompliance rate must be multiplied by 1.64 to obtain the 95 percent, one-tail sampling error levels; that is, the 95 percent confidence statement for compliance in 2003 is that the true rate is less than 0.174 (0.148 + 0.026). The upper bound of the confidence interval for the rate is below the target of 0.2. The full data set for calculating estimated rates and standard error is in **Appendix E**.

**Sampling Weights:** Sampling and analysis weights were calculated for each outlet identified during fieldwork, whether or not they were inspected. The basic sampling weights were calculated as the reciprocal



of the product of selection probabilities calculated at each stage of sampling. These weights were adjusted for non-response (establishment closed at time of visits) so that the analysis weights will produce valid estimates of totals (consistent with Dun and Bradstreet listings), including total number of vending machine locations and over-the-counter outlets in the State. Domain estimators are used to obtain separate estimates for vending machines and over-the-counter. Based on the current and previous field check on list coverage, the survey estimate of number of outlets represents about 80 percent of the target population.

**Variances:** Variances of the estimates are needed to place confidence intervals around the estimates and to test hypotheses. The variance estimates were calculated using the design features. That is, the unequal weighting, the clustering, and the stratification were accounted for.

**Analyses:** Statistical analyses of the survey data **produced** State-level estimates for over-the-counter and vending machine compliance, individually and combined, along with their sampling errors. Estimates of population totals were also developed. Only eleven of the potential sample outlets were not inspected so the non-response adjustments had minimal impact on the estimates. The information in Form G1 is consistent (no discrepancies) with the reported compliance rates. Specifically the number of tobacco outlets reported in Column 2 are weighted estimates and the remaining data in Columns 3 and 4 are unweighted.

**Frame Coverage:** Approximately 90 geographic areas are visited during the inspection survey. These areas were stratified by 4 geographic areas and into urban/rural categories within each area. A random sample of 4 areas were selected using controlled selection (8 strata with a sample of 4 does not suit stratified random sampling) to conduct a structured field check on the list completeness. In mid-1999, a team of two traversed the entire ZIP area or group of ZIP areas containing the survey areas selected for the coverage study, recording (voice-activated recorder) name, address, and description of potential outlets. These potential outlets were then compared to the most current D&B list (the list used as the frame in NC). The coverage ranged from about 70 to 85 percent, with an estimated average of 81. Field testing using the same design was conducted for the 2002 survey to check again the accuracy and completeness of the list. In this most recent check the coverage in the sample areas ranged from 66 to 100 percent with an unweighted average of 80. If the coverage for the areas is weighted by the total number of outlets in the respective areas the coverage estimate is 90 percent.

**FORM 1**

**Summary of 2003 Tobacco Inspections Results by State Geographic Unit (p1 of 3)**

State NC  
FFY 2004

(1)			(2)			(3)			(4)		
			NO. OF TOBACCO OUTLET POPULATION			NO. OF OUTLETS RANDOMLY INSPECTED IN FFY			NO. OF OUTLETS FOUND IN VIOLATION DURING RANDOM INSPECTIONS		
No.	Geographic Sampling Unit	Percent of Youth Under 18	(a) Over-the Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (2a+2b)	(a) Over-the Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (3a+3b)	(a) Over-the Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (4a+4b)
1	PSU-W1	0.9	343	0	343	25	0	25	7	0	7
2	PSU-W2	1.2	380	0	380	33	0	33	0	0	0
3	PSU-W3	1.6	372	0	372	34	0	34	7	0	7
4	PSU-W4	2.0	312	0	312	30	0	30	9	0	9
5	PSU-W5	4.9	461	0	461	35	0	35	4	0	4
6	PSU-W6	4.8	352	0	352	26	0	26	4	0	4
7	PSU-W7	20.2	512	0	512	40	0	40	11	0	11
8	PSU-E1,	1.5	464	18	482	51	2	53	6	1	7
9	PSU-E2	1.5	458	0	458	38	0	38	2	0	2

TOTALS (LAST PAGE ONLY)

**Summary of 2003 Tobacco Inspections Results by State Geographic Unit (p2 of 3)**

State NC  
FFY 2004

(1)			(2)			(3)			(4)		
			NO. OF TOBACCO OUTLET POPULATION			NO. OF OUTLETS RANDOMLY INSPECTED IN FFY			NO. OF OUTLETS FOUND IN VIOLATION DURING RANDOM INSPECTIONS		
No.	Geographic Sampling Unit	Percent of Youth Under 18	(a) Over-the Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (2a+2b)	(a) Over-the Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (3a+3b)	(a) Over-the Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (4a+4b)
10	PSU-E3	4.2	380	0	380	36	0	36	1	0	1
11	PSU-E4	3.4	275	0	275	38	0	38	2	0	2
12	PSU-N1	1.3	218	0	218	29	0	29	6	0	6
13	PSU-N2	3.5	364	0	364	49	0	49	10	0	10
14	PSU-N3	8.1	395	0	395	39	0	39	3	0	3
15	PSU-N4	11.1	414	0	414	52	0	52	5	0	5
16	PSU-S1	0.8	317	0	317	32	0	32	5	0	5
17	PSU-S2	2.8	243	7	250	35	1	36	7	0	7
18	PSU-S3	3.8	300	0	300	36	0	36	6	0	6

**Summary of 2003 Tobacco Inspections Results by State Geographic Unit (p3 of 3)**

State NC  
FFY 2004

(1)			(2)			(3)			(4)		
			NO. OF TOBACCO OUTLET POPULATION			NO. OF OUTLETS RANDOMLY INSPECTED IN FFY			NO. OF OUTLETS FOUND IN VIOLATION DURING RANDOM INSPECTIONS		
No.	Geographic Sampling Unit	Percent of Youth Under 18	(a) Over-the Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (2a+2b)	(a) Over-the Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (3a+3b)	(a) Over-the Counter (OTC)	(b) Vending Machines (VM)	(c) Total Tobacco Outlets (4a+4b)
19	PSU-S4	3.7	233	0	233	41	0	41	11	0	11
20	PSU-S5	18.7	460	0	460	110	0	110	14	0	14
<b>TOTALS</b>		<b>100.0</b>	7253	25	7278	809	3	812	120	1	121

### FORM 3

Complete Form 3 to show the distribution of outlet inspection results of attempted and successful buys by age and gender.

Complete the appropriate columns in Form 3 ensuring that the numbers match the totals reported in Form 1, optional Form 2, and the retailer violation rate reported in the text. If the totals do not match, explain any discrepancies among data presented in Form 1, Form 2 (Optional), Form 3, and the weighted retailer violation rate reported in the text. Also note that the categories for reporting the age of the youth inspectors have changed from previous SAPT BG applications.

Using the following form, enter the number of Attempted Buys conducted by buyer age and gender, in column a and the number of "Successful Buys" in column b. If the age and/or gender of the buyer is not known, then include those inspections in the "Other" category in row 3.

2003 Synar Survey Inspections		
		State <u>NC</u>
		FFY <u>2004</u>
Male	a. Attempted Buys	b. Successful Buys
14 yrs		
15 yrs	530	53
16 yrs		
17 yrs		
18 yrs		
<b>1. Subtotal</b>		
Female		
14 yrs		
15 yrs	90	21
16 yrs	192	47
17 yrs		
18 yrs		
<b>2. Subtotal</b>		
<b>3. Other</b>		
<b>4. Total</b>	812	121

**8. Describe the protocol for conducting random, unannounced inspections. Ensure the following specific items are addressed in your description.**

- Have any changes been made in the inspection protocol from the previous year?
- Indicate the start and end dates of the Synar inspections conducted during the current reporting period and whether the dates are different from previous years.
- Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.
- Describe the inspection methodology used. (e.g., consummated or unconsummated buys, instructions for carrying and showing identification, team composition and whether an adult monitor enters the outlet with the youth inspector, time of day inspections are conducted, compensation for the minors, data collection procedures, etc).
- Besides what is specified in the State youth access tobacco law, explain whether the State has other legal or procedural requirements regarding how inspections are to be conducted (i.e., age of minor, time of inspections, training that must occur)?
- Describe specific legal or procedural requirements the State has instituted to address the issue of minors' immunity when conducting inspections.
- Describe specific legal or procedural requirements the State has instituted to address the issue of child safety.

The following is a description of North Carolina's protocol for conducting the random, unannounced inspections. No changes were made in the State's inspection protocol. There are no other legal requirements other than those specified in our State Tobacco Law. There is one procedural requirement imposed because of the State's concern regarding the safety and well being of the youth conducting the inspections. No testing was done of lounges or taverns even though they are not legally off limits to minors in the State. Liquor stores were not included due to the fact that they are all state operated and do not sale tobacco products.

The time frame for fieldwork extended from March 2003 through August 2003 on irregular dates so that the survey team was truly unanticipated. This year the survey team was more challenged in hiring youth, particularly the females, to assist with inspections due to the delay in starting the survey as well as competing with other job opportunities and extracurricular activities (i.e. sports and summer camps). Thus, eight youth instead of the typical four were recruited and hired to participate in the inspections.

Three male and five female youth 15-16 years of age, who appeared to be approximately that age, took part in the annual inspections. The age of appearance was determined by having 15 adults guess the age of the youth and dividing the total by 15 to determine the average age of appearance. The purpose of the Age Estimation Test is to ensure that the youth appears to be under 18 years of age (according to the fifteen citizens who estimated their age on the day of the age test).

In order to assure inter-rater reliability, the same instructor trained the youth. The instructions included specific information on the role and responsibilities of the youth, followed by some role playing exercises covering various scenarios that prepared the youth for different types of questions or responses to expect from the merchants and their employees.

The youth were instructed to dress in the same manner in which they were dressed when they went through the age estimation procedure. They were also instructed not to misrepresent their age or to present any false identification when attempting to purchase tobacco products. When asked about their

age the youth were instructed to state their correct age. The youth carried their identification on all outlet inspections.

Written parental permission was obtained prior to participation for each minor being used in the study. Copies of the parental permission form, each youth's birth certificate, social security card, photo identification card and photo taken at the time of the age testing was placed on file with the State Community Policy Management Section. Parents were also given a telephone number so that they could get in touch with their children at any time. Youth were supervised at all times by an adult. Since the project involved travel to various counties across the State, there was frequent overnight lodging. Whenever there was overnight lodging, youth teams were supervised by two adult supervisors, one male and one female, that served as chaperones to same sex youth. Youth were paid \$7.00 per hour for their participation in the Synar inspections. Meals and hotel expenses for the youth were also covered whenever overnight lodging was required.

The youth were provided with the money needed to pay for the tobacco products. They entered the establishment alone and immediately attempted to purchase a tobacco product. The youth were instructed to first try to purchase from a vending machine or self-service display if that was available. If neither of these options were available, a single pack of cigarettes was requested. After the purchase attempt, the youth exited the establishment with or without the tobacco product. If a pack of cigarettes was purchased, an identification sticker was placed on the product and reported on the North Carolina Tobacco Retail Outlet Compliance Check Form. The data collection form was designed to include a variety of key data elements that provided valuable information in terms of assessing compliance with the Synar Amendment. The supervising adult(s) remained in the vehicle, or if they entered the establishment, they entered at a different time so that the merchant would not think they were together. The supervising adult was careful not to let the retailer see the two of them together so that the clerk would not think that the adult was a parent or part of a team conducting tobacco inspections.

Field results and completed data forms were entered daily and reviewed weekly to ensure that the fieldwork was proceeding as planned. Data collection forms were checked for consistency and completeness during this time so that problems could be reconciled early in the data collection period and so the data tapes were ready for analysis shortly after completion of the survey. Also, because of uncertainties in size measures used, eligibility rates were monitored so that adjustments could be made to the size of the fielded sample, as needed, before the end of the survey period.

The adult supervisor(s) were provided with a letter authorizing them to participate in these compliance checks as permitted under the current state statute. All tobacco products were destroyed at the end of the study.

## **SECTION II**

### **FFY 2004 (Intended Use):**

**In 2-5 pages, describe the State's plans to achieve the interim target rate for FFY 2003 (Part 96.130 (e) (4)). Ensure the following specific items are addressed in your description of activities and/or changes that are planned.**

- Sampling methodology.
- Inspection protocol.
- Legislative actions and/or regulatory changes.
- Law enforcement.

- Activities that support law enforcement such as, merchant education, community education, media use, community mobilization.

Describe the State's strengths and challenges it faces in complying with the Synar requirements.

Describe any administrative or legal constraints on regulation and enforcement.

Describe the level of public support for inspections, enforcement, and public policy efforts.

Community Policy Management has made significant progress in reducing youth access to tobacco products during the past eight years. We will work to strengthen our current efforts and to identify new partners to work with us on this issue. With the grant from the NC Health and Wellness Trust Fund Commission, the CPM Section and ALE will implement Year 2 of the education and enforcement program that will focus specifically on the following objectives:

- ❑ Implement targeted enforcement in counties 1) where noncompliance is high, 2) that have not been previously checked, 3) that are high density, such as large urban or rural areas, and 4) suspend or decrease checks in counties that have been highly saturated and have buy rates less than 20%.
- ❑ Maintain current database in order to expand analyses of data from compliance checks
- ❑ Increase activities to raise public awareness of the youth access law, its penalties and enforcement operations
- ❑ Continue to build and enhance collaborative relationships with local law enforcement, Merchants, Area Mental Health Programs, local coalitions, youth organizations and community groups to effectively address the youth access issue at the local level
- ❑ Reduce youth access to tobacco products to 20% or lower to comply with the federal Synar Amendment

These objectives will be accomplished through the activities described below:

- Implement a model, which will include past compliance checks data, to select locations to participate in targeted enforcement activities.
- Conduct at least 600 tobacco compliance checks per month, for a total of 7,200 checks during state fiscal year 2003-2004.
- Conduct six regional forums to engage Alcohol Law Enforcement supervisors, agents, Community Policy Management staff, merchants and key community agencies in discussions of local efforts everyone can partner on to reduce youth access to tobacco products. These forums will follow-up and build upon forums held in Year 1 of the grant.
- Conduct community education and recognition activities to raise awareness of youth access issues among merchants, clerks, and the community at large; and provide positive recognition for stores and clerks that do not sell tobacco products to minors during enforcement operations.
- Get earned or free media attention and use low cost paid media when possible, such as ads in local newspapers, for community education and recognition efforts. This will be achieved through press releases and news articles regarding enforcement operations and public recognition of stores that do not sell tobacco products to minors.



- Distribute (statewide) signs regarding the State's Youth Access Law G.S. 14-313 and "Check That Photo ID" brochures in both English and Spanish to retailers and clerks.
- Inform all retailers who are issued a citation for violation of the State's Youth Access Law of the availability of the BARS Education Program. Also distribute BARS training brochures to retailers.
- Conduct a campaign (mailings, community forums, participation in conferences) to raise awareness among judges, district attorneys and assistant district attorneys on the youth access law, impact of enforcement efforts on the federal Synar law and to garner their support when these cases come to court.
- Promote collaboration between the 38 Area Mental Health Programs, local organizations and District Alcohol Law Enforcement Agents to recruit and train youth ages 16-17 to participate in enforcement activities; distribute merchant education materials, develop local media stories and articles on youth access issues; and promote the availability of the BARS Education Program to local retail merchants.

These activities will significantly enhance our current program by maintaining the targeted number of compliance checks to at least 7,200 annually. We will also continue to focus on media advocacy strategies, particularly at the local level and working in conjunction with the NC Health and Wellness Trust Fund Commission's media vendor. Year 2 of the program will build upon established collaborative relationships between ALE, local law enforcement, retailers and local health/ community based agencies.

The State did revise its sampling design regarding the Synar Survey for the FFY 2004 application as requested by SAMHSA/CSAP in February 2003. NC will continue to use this design in subsequent years unless there other additions or changes recommended by CSAP. NC will not make changes in the inspection protocol for FFY 2004 and has not identified any administrative or legal constraints on regulation and enforcement. NC partners continue to dialogue, but do not have consensus regarding the pros and cons of having possession as part of the state youth access law. Another issue discussed in several of the forums was whether there should be some effort in the state to address the availability /sales of single cigarettes or loosies. We expect to continue some of these discussions at the next round of forums in the Spring 2004.

North Carolina will continue to use merchant education and enforcement strategies that have proven successful. These activities will be implemented in partnership with Area Mental Health/Substance Abuse Programs, the NC Division of Alcohol Law Enforcement, the Tobacco Prevention and Control Branch, community-based organizations, youth groups and local coalitions such as Project ASSIST, Healthy Carolinians and Underage Drinking. The State will also continue to promote more activities in community education, mobilization and strategic use of media among state level partners and especially the local Area Programs and their contract agencies.

Much of the State's success in reducing youth access to tobacco products is due to established collaborative relationships with the Area Mental Health/Substance Abuse Programs, the Division of Alcohol Law Enforcement (ALE) and the Tobacco Prevention and Control Branch. With ALE being designated as the state's lead enforcement agency on this issue, we have been able to maintain on-going education and enforcement of the tobacco access law across the state. The Tobacco Prevention & Control Branch continues to work with us on merchant education efforts. They funded the reprint of merchant education materials and new materials in Spanish that are being used by law enforcement, Area Mental Health/Substance Abuse Programs, as well as other state/local organizations implementing merchant education in their local communities.

One of the challenges that we continue to face in implementing the Synar Program is maintaining funding for enforcement. Since losing the FDA contract in March 2000, which provided funding for enforcement for the federal Youth Access Law, maintaining statewide enforcement effort has been challenging for the state. The Department of Health and Human Services worked diligently to identify stopgap state funding sources (i.e. lapsed salary) to prevent a lag in enforcement. The Community Policy Management (formerly Community Policy Management) Section working with the Tobacco Prevention and Control Branch, Alcohol Law Enforcement and other partners were successful in securing funding from the NC Health and Wellness Trust Fund Commission for the next two years, dependent upon availability of funds and satisfactory progress, to support enforcement activities and other initiatives to prevent and reduce teen tobacco use.

One of the powers and duties of the Commission as set forth in the legislation is that they shall “ensure that good faith efforts are made to achieve federal mandates targeting the reduction of youth access to tobacco products.” Community Policy Management (CPM) hopes that this provision provides a more long-term solution, beyond the three-year cycle, to fund educational and enforcement activities to reduce youth access to less than 20%. CPM is pleased to receive this funding for enforcement from the Commission.

Although North Carolina is a tobacco producing state, there is support at the state and local level for implementing strategies (including inspections, enforcement, public policy efforts and community initiatives) that reduce youth access to and use of tobacco products. This is mostly due to the steady increase over the past six years in youth tobacco use (38.3% high school students and 18.4% middle school students are current tobacco users— *1999 NC Youth Tobacco Survey*) in the state. The results of the *2001 NC Youth Tobacco Survey* show a slight decrease in tobacco use among middle school students (17.4%) and high school students (35.8%). While this is good news, we still must be persistent in our efforts to build support and involve communities in preventing youth tobacco use. Among the supporters for comprehensive statewide tobacco prevention and control programs in the state are youth, parents, community groups as well as state/local leaders, public health officials, substance abuse prevention and addictions professionals, law enforcement, health and related agencies and public/private organizations.

The Division of Mental Health, Developmental Disabilities and Substance Abuse Services, Community Policy Management Section is pleased with the progress that the State has made to reduce youth access to tobacco products. We have developed and maintained strong working relationships with diverse agencies and organizations that share the common goal of reducing youth access to and use of tobacco products. North Carolina will continue to use community/merchant education, media advocacy, community mobilization and enforcement operations to achieve even greater success and will actively work to develop new partnerships and strategies. The Division will expand and build upon its partnerships with the NC Division of Alcohol Law Enforcement, local law enforcement agencies, retailers and community agencies. It will also reach out and involve those communities that receive tobacco prevention grants from the NC Tobacco Prevention and Control Branch and NC Health and Wellness Trust Fund Commission during FFY 2004.